

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Annex  
4041 N. Richards Street, Box 12436  
Milwaukee, WI 53212-0436  
TELEPHONE 414-229-0800  
FAX 414-229-0810

June 3, 1997

Mr. Charles R. Patten  
Administrator  
Village of Fontana  
P.O. Box 313  
Fontana, Wisconsin 53125

SUBJECT: Request for closure, Village of Fontana Marina, 454 Lake Street, Fontana, Wisconsin. BRR-LUST FID#265122550.

Dear Mr. Patten:

At the request of your environmental consultant, Strand Associates, Inc.(Strand), we have reviewed the referenced case file for closure. Strand has requested closure of this site under the new closure flexibility regulations, because groundwater monitoring well, MW-3 contains benzene concentrations above the § NR 140, Wisconsin Administrative Code (WAC) enforcement standard (ES). The concentration of benzene in monitoring well, MW-3 was 7.4 parts per billion (ppb), during the last sampling round in February of 1997. We concur with Strand's recommendation of case closure and require no further action at this site based on the following:

1. The source of contamination has been removed.
2. The concentration of benzene in MW-3 appears to be decreasing and/or stable, based on the groundwater monitoring data provided.

To complete the closure of this site, you must place a groundwater use restriction on the property deed at the county register of deeds office which specifies the legal description of the property, the location, type and concentration of the contaminants and includes the following language:

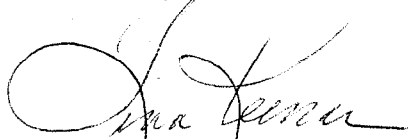
"Natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property. construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by chs. NR 811 and 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater to determine what specific requirements are applicable prior to constructing or reconstructing a well on this property."

Within sixty days, all of the groundwater monitoring wells at the site must be abandoned in

accordance with ch. NR 141 and the completed abandonment forms must be submitted to the department. Once the department receives the abandonment forms and documentation that the groundwater use restriction has been placed on the property deed, this case will be tracked as closed on the department's tracking system.

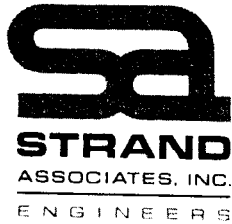
If you have any questions regarding this letter, you may contact me at the above address or at (414) 229-0839.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina Keenan", written over a horizontal line.

Gina Keenan  
Hydrogeologist

c: Strand Associates, Inc.  
SED case file



910 West Wingra Drive  
Madison, Wisconsin 53715  
Phone: (608) 251-4843  
Fax: (608) 251-8655

*TRACKS  
CLOSED  
12-23-97*

December 23, 1997

Department of Natural Resources  
Southeast Region Annex  
4041 N. Richards Street  
P.O. Box 12436  
Milwaukee, WI 53212-0436

Attention: Pat Chung

Re: Village of Fontana Marina - Case Closure  
BRR LUST FID# 265122550  
*LUST*

Dear Ms. Chung:

I am enclosing the confirmation of the recording of the Declaration of Restrictions for the Fontana-Marina site at the request of Gina Keenan.

Please call with any questions.

Sincerely,

STRAND ASSOCIATES, INC.

*Bradley J. Lake*  
Bradley J. Lake, P.E.

cc: Chuck Patten, Village of Fontana-on-Geneva Lake, w/attachments  
Dale Thorpe, Godfrey, Neshek, Worth, Leibsle, and Conover, S.C., w/o attachments  
Gina Keenan, WDNR - Southeast District, w/attachments

BLTK\A\051--100\083\926\WRD\FONT-CHU.BJL

**GODFREY, NESHEK, WORTH, LEIBSLE & CONOVER, S.C.**

ATTORNEYS AT LAW

HARRY F. WORTH, JR.  
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ROBERT V. CONOVER  
KIM A. HOWARTH  
LISLE W. BLACKBOURN  
LARRY D. STEEN  
DALE L. THORPE  
THEODORE N. JOHNSON  
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11 NORTH WISCONSIN STREET  
POST OFFICE BOX 260  
ELKHORN, WISCONSIN 53121-0260

TELEPHONE: 414-723-3220

FACSIMILE: 414-723-5091

(ALFRED L. GODFREY 1888-1970)  
(THOS. G. GODFREY 1921-1996)

MILTON E. NESHEK - OF COUNSEL

SHANNON A. ALLEN  
JOHN K. BARTOSZ  
THOMAS W. O'NEIL  
MICHAEL R. VESCIO

December 18, 1997

Mr. Bradley J. Lake, P.E.  
Strand Associates, Inc.  
910 West Wingra Drive  
Madison, WI 53715

**Re: Village of Fontana Marina**

Dear Mr. Lake:

Please find enclosed the originally recorded Declaration of Restrictions with regard to the Fontana Marina site. It is my understanding that you will be sharing this information with the Department of Natural Resources if necessary. Please let me know if you need anything more, Brad.

Very truly yours,

GODFREY, NESHEK, WORTH,  
LEIBSLE & CONOVER, S.C.

By:

  
Dale L. Thorpe

E-MAIL: dthorpe@godfreylaw.com

DLT:kml

Enclosures

cc: Village Board  
Chuck Patten  
Sallye Smith

T:\F\FONTANA\VILLAGE\MN39735\CORRES\121897\DT.LTR

367957

Document Number

Declaration of Covenants,  
Conditions And Restrictions

VOL. 650 PAGE 7419

Cal. 1-22.24  
RECORDED IN VOL. 650  
PAGE 7419

'97 NOV 12 AM 8 46

LOIS M. KETTERHAGEN  
REGISTER OF DEEDS  
WALWORTH COUNTY, WI

Recording Area

Name and Return Address  
GODFREY, NESHEK, WORTH,  
LEIBSLE & CONOVER, S.C.  
11 North Wisconsin Street  
Post Office Box 260  
Elkhorn, Wisconsin 53121

18.00

Parcel Identification Number (PIN)

## DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration of Covenants, Conditions and Restrictions ("Declaration") is made this 18th day of August, 1997 by the Village of Fontana-on-Geneva Lake ("Village"), a Wisconsin municipal corporation located in Walworth County, Wisconsin.

### RECITALS

WHEREAS, the Village owns those lands located in the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin, described as follows ("Subject Property" or "Property"):

Lots 6, 7, 8 and 9 of Lake View Subdivision, Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin.

WHEREAS, it is the desire and intent of the Village to subject the Subject Property to certain covenants, conditions and restrictions as part of an application for closure of the State of Wisconsin, Department of Natural Resources case file for the Village of Fontana Marina site pursuant to § NR 140, Wisconsin Administrative Code Enforcement Standard and specifically case file BRR-LUST FID 265122550.

NOW, THEREFORE, Fontana does hereby declare that the Subject Property and all portions thereof shall be used, held, transferred, sold and conveyed subject to the covenants, conditions and restrictions here and after set forth, which shall inure to the benefit of and shall pass with the land described herein as covenants running with the land and shall apply to and bind all successors in interest, users and owners.

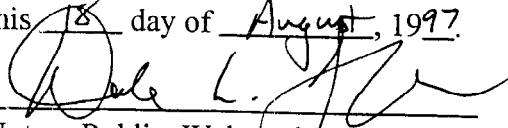
### SECTION I.

Natural attenuation has been approved by the Department of Natural Resources to remediate ground water exceeding ch. NR 140 groundwater standards within the boundaries of this property. Construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by chs. NR 811 and 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater to determine what specific requirements are applicable prior to constructing or reconstructing a well on this property.

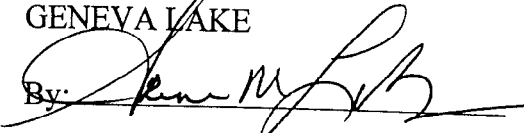
### SECTION II.

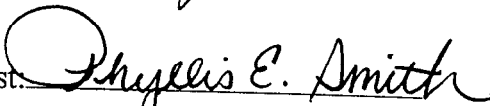
Per requirement of the State of Wisconsin, Department of Natural Resources, Exhibit "A" (figure 3) and Exhibit "B" (table 3) are attached hereto and incorporated herein by reference as if set forth at length herein.

IN WITNESS WHEREOF, this Declaration is executed by the undersigned as of the date first written above.

Subscribed and Sworn to Before Me  
this 18 day of August, 1997.  
  
Notary Public, Walworth County, WI  
My Commission Expires: 13 permanent

VILLAGE OF FONTANA-ON-  
GENEVA LAKE

By: 

Attest: 

This instrument drafted by:  
Attorney Dale L. Thorpe  
Godfrey, Neshek, Worth, Leibsle  
& Conover, S.C.  
11 North Wisconsin Street  
Elkhorn, WI 53121





TABLE 3  
GROUNDWATER ANALYTICAL RESULTS  
MARINA UST SITE REMEDIATION  
VILLAGE OF FONTANA

Compound	MW-1A	MW-1A Duplicate	MW-2	MW-3	MW-4	ES	PAL
PVOCs, $\mu\text{g/L}$							
Benzene	0.60	0.93	ND	7.4	ND	5	0.5
Ethylbenzene	ND	ND	ND	ND	ND	700	140
Toluene	ND	ND	ND	ND	ND	343	68.6
1,2,4-Trimethylbenzene	ND	ND	ND	ND	ND	--	--
1,3,5-Trimethylbenzene	ND	ND	ND	ND	ND	--	--
Total Xylenes	ND	ND	ND	ND	ND	620	124
tert-Butylmethyl ether	0.77	0.82	ND	1.1	1.2	--	--
Total Detected PVOCs	1.37	1.75	ND	8.5	1.2		

Notes:

Samples collected February 13, 1997.

Bailer blank and trip blank had ND of PVOCs.

ES Wis. Admin. Code Chapter NR 140 Enforcement Standard

PAL Wis. Admin. Code Chapter NR 140 Preventative Action Limit

-- No ES or PAL in place at this time

< Less than detection limit shown

NA Not analyzed

ND No detection (see lab report for LOD and LOQ)

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EXHIBIT "B"

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